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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

SAFECO INSURANCE COMPANY OF
INDIANA a/s/o PATRICK and SUSAN
GILLESPIE,

Plaintiff,

v.

FTL, INC. d/b/a SOLEUS NA, TCL
DELONGHI HOME APPLIANCES
(ZHONGSHAN) CO., LTD, DELONGHI
AMERICA, INC., TCL HOME
APPLIANCES (NORTH AMERICA)
COMPANY LIMITED, SOLEUS
INTERNATIONAL, INC., SOLEUS N.A.,
MJC AMERICA, INC., MJC AMERICA,
LTD. d/b/a SOLEUS INTERNATIONAL,
MJC AMERICA HOLDINGS CO., INC., and
MENARDS, INC.,

Defendants.

CAUSE NO. 1:20-cv-297

PETITION FOR REMOVAL OF ACTION

Defendant, Menard, Inc. (improperly named as Menards, Inc.) (“Menards”), by counsel, and for its Petition for Removal of Action, states as follows:

1. On December 19, 2019, Plaintiff filed its Complaint against Defendant Menards in the Hendricks County Superior Court No. 4 under Cause Number 32D04-1912-PL-000156.
2. In its Complaint, Plaintiff alleges that on December 13, 2018, its insured Patrick and Susan Gillespie, sustained a fire loss at their residence located at 756 S. County Road 525 W. in Danville, Indiana as a result of an alleged product failure of a Soleus Air dehumidifier, Model No. HMT-D45E-A.

3. Plaintiff alleges that its insureds, Patrick and Susan Gillespie, sustained damages on December 13, 2018 as a result of the fire loss at their residence located at 756 S. County Road 525 W. in Danville, Indiana.

4. Defendant Menards is incorporated under the laws of the State of Wisconsin with its principal place of business in Eau Claire, Wisconsin.

5. Plaintiff Safeco Insurance Company of Indiana is incorporated under the law of Indiana with its principal place of business in Indiana

6. Defendant, FTL, Inc. d/b/a Soleus NA, was a foreign corporation located at 721 W. Whittier Blvd., #R, La Habra, CA 90631. Its registered agent for service of process is Felix Jiaren Le, 721 W. Whittier Blvd., #R, La Habra, CA 90631.

7. Defendant, TCL Delonghi Home Appliances (Zhongshan) Co., Ltd., is a foreign corporation located at Shenghui North No. 50, Zhongshan, Guangdong, China.

8. Defendant, Delonghi America, Inc., is a foreign corporation located at 2 Park Way & Route 17 S, Upper Saddle River, NJ 07458. Its registered agent for service of process is Corporation Service Company, 251 Little Falls Dr., Wilmington, DE 19808.

9. Defendant, TCL Home Appliances (North America) Company Limited, is a foreign corporation located at 2455 Anselmo Drive, Suite 101, Corona, CA 92879. Its registered agent for service of process is Business Filings Incorporated, 108 West 13th St., Wilmington, DE 19801.

10. Defendant, Soleus International, Inc., is a foreign corporation located at 20035 E. Walnut Dr. N, City of Industry, CA 91789.

11. Defendant, Soleus N.A., is a foreign corporation located at 935 S. Lawson St., City of Industry, CA 91748.

12. Defendant, MJC America, Inc., is a foreign corporation located at 20035 E Walnut Dr. N, Walnut, CA 91789.

13. Defendant, MJC America, Ltd. d/b/a Soleus International, is a foreign corporation located at 20035 E Walnut Dr. N, Walnut, CA 91789. Its registered agent for service of process is Simon Chu, 280 S. Lemon Ave., #1507, Walnut, CA 91788.

14. Defendant, MJC America Holdings Co., Inc., is a foreign corporation located at 9645 Telstar Ave., #23C, El Monte, CA 91731. Its registered agent for service of process is Charley Loh, 9645 Telstar Ave., #23C, El Monte, CA 91731.

15. Defendant Menards contend that this cause is removable under 28 U.S.C. § 1332 and none of the impediments to removal under 28 U.S.C. § 1445 are present in this action.

16. Pursuant to Local Rule 81.1, Defendant certifies that to the best of its knowledge, information and belief, the amount in controversy exceeds Seventy-five Thousand Dollars (\$75,000.00), exclusive of interest and costs, as Plaintiff's Complaint has a prayer for damages in the amount of \$219,125.41.

17. Defendant Menards was served with Plaintiff's Complaint through CSC on December 30, 2019.

18. This Petition for Removal is being filed with the Court within thirty (30) days after determining that the basis for diversity jurisdiction exists.

19. Copies of all pleadings filed in the state court action that are in the possession of Defendant Menards are attached as Exhibit "A".

20. A copy of Plaintiff's Complaint for Damages filed in the state court action that is in possession of Defendant Menards is attached as Exhibit "B".

21. Contemporaneously herewith, written notice is being provided to all adverse parties and to the Clerk of the Hendricks County Superior Court of Indiana that this Notice of Removal is being filed in this Court.

WHEREFORE, Defendant, Menards, by counsel, prays that the entire state court action now pending in the Hendricks County Superior Court No. 4 of Indiana under Cause Number 32D04-1912-PL-000156 be removed to this Court for all further proceedings.

Dated: January 27, 2020.

Respectfully submitted,

KOPKA PINKUS DOLIN PC

By: /s/ Jessica N. Hamilton
Jessica N. Hamilton, Atty No. 34268-71
Leslie B. Pollie, Atty No. 25716-49
Attorneys for Defendant, Menard, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2020, the foregoing has been filed through the Court's ECF system and notice has been electronically served on all counsel of record. Parties may access this filing through the Court's system.

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Soleus N.A.
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MJC America, Inc.
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MJC America, Ltd. d/b/a Soleus International
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/s/ Jessica N. Hamilton

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